

REMARKS

With the present amendment, claims 1-6 and 8-26 are pending. In the Office Action, the Examiner rejected claims 1-6 and 8-26 under 35 U.S.C. 102(e) as being anticipated by Gao et al. (U.S. 2003/0026577 A1). Applicants respectfully traverse this rejection. With respect to claims 1-6 and 8-13, Applicants have amended claim 1 to further recite that independent claim 1 comprises the substrate having a first coefficient of thermal expansion and that the lower cladding has a second coefficient of thermal expansion differing from the first coefficient of thermal expansion by less than approximately 40%. The underlined language is similar to the language of canceled claim 7, which was rejected under 35 U.S.C. 103(a) as being unpatentable over Gao et al. in view of U.S. Patent No. 6,418,261 B1 to Boek et al. The present application and Gao et al. are commonly owned by Photon-X, Inc. of Malvern, PA, as is evidenced by copies of the Assignment documents for the present application and for Gao et al., which are attached hereto. Applicants respectfully submit that, under 35 U.S.C. 103(c), Gao et al. is inapplicable as prior art, and that the rejection of claim 7 over Gao et al. in view of Boek et al. is an improper rejection. Therefore, with the amendment to claim 1 to include language similar to that of canceled claim 7, Applicants respectfully submit that claim 1 is now patentable over the cited prior art. Claims 2-6 and 8-13 all depend, either directly or indirectly, from claim 1, and are patentable for the same reasons set forth above with respect to claim 1. Applicants respectfully request reconsideration and allowance of claims 1-6 and 8-13.

With regard to the rejection of claims 14-17, the Examiner states in the Office Action that the Gao et al. reference discloses a method of manufacturing such an optical device comprising, inter alia, a step of depositing waveguide layers via spincoating. Applicants respectfully traverse this rejection. Claims 14-17 are apparatus claims depending from claim 1, and Applicants do not understand the Examiner's statement regarding the Gao et al. reference disclosing a method of manufacturing an optical device. Notwithstanding, claims 14-17 all depend, either directly or indirectly, from claim 1, and Applicants respectfully submit that claims 14-17 are patentable over the cited prior art for the same reasons as set forth above with respect to claim 1. Applicants respectfully request reconsideration and allowance of claims 14-17.

With respect to claims 18-26, Applicants have amended claim 18 to recite that the provided substrate has a first coefficient of thermal expansion and that the deposited first perhalogenated polymer has a second coefficient of thermal expansion differing from the first coefficient of thermal expansion by less than approximately 40%. Applicants respectfully submit that Gao et al. does not disclose or suggest the amended features of claim 18 and that claim 18 is patentable over the cited prior art. Additionally, since claims 19-26 all depend, either directly or indirectly from claim 18,

Applicants respectfully submit that claims 19-26 are patentable over the cited prior art for the same reasons as set forth above with respect to claim 18. Applicants therefore respectfully request reconsideration and allowance of claims 18-26.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that claims 1-6 and 8-26 are in condition for allowance. Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. If there are any other fees due in connection with the filing of this response, please do not hesitate to contact the undersigned.

Respectfully Submitted,

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Date

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